

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT D. CUNNINGHAM,

Plaintiff,

v.

SACRAMENTO COUNTY SHERIFFS
OFFICE, et al.,

Defendants.

No. 2:23-cv-00896-DAD-KJN (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
ACTION DUE TO PLAINTIFF'S FAILURE
TO PROSECUTE

(Doc. No. 10)

Plaintiff Robert D. Cunningham is a state county prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 22, 2024, the assigned magistrate judge issued findings and recommendations recommending that this action be dismissed, without prejudice, due to plaintiff's failure to prosecute this action. (Doc. No. 10 at 1.) In particular, on December 8, 2023, the magistrate judge had screened plaintiff's complaint, determined that he had failed to state a cognizable claim for relief, and granted plaintiff leave to file an amended complaint within thirty days from the date of service of that order. (Doc. No. 8 at 10.) Plaintiff was specifically warned in that screening order that his failure to file an amended complaint could result in the dismissal of this action. (*Id.*) Nonetheless, to date, plaintiff has not filed an amended complaint or otherwise communicated with the court. Accordingly, the pending findings and recommendations were

1 issued, served on plaintiff and contained notice that any objections thereto were to be filed within
2 fourteen (14) days after service. (Doc. No. 10 at 1.)¹ No objections to the findings and
3 recommendations have been filed, and the time in which to do so has now passed.

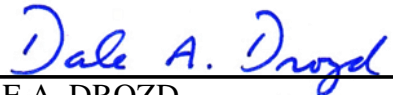
4 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
5 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
6 findings and recommendations are supported by the record and by proper analysis.

7 Accordingly:

- 8 1. The findings and recommendations issued on January 22, 2024 (Doc. No. 10) are
9 adopted in full;
- 10 2. This action is dismissed, without prejudice, due to plaintiff's failure to prosecute
11 this action; and
- 12 3. The Clerk of the Court is directed to close this case.

13 IT IS SO ORDERED.

14 Dated: March 15, 2024

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16 DALE A. DROZD
17 UNITED STATES DISTRICT JUDGE
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26 ¹ On February 5, 2024, the service copy of the findings and recommendations was returned to the
27 court marked as "Undeliverable, Return to Sender, Attempted Not Known." It is plaintiff's
28 responsibility to always keep the court apprised of his current address. Pursuant to Local Rule
182(f), service of documents at the record address of the party is fully effective. Thus, plaintiff
was properly served.